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Attorneys for Plaintiff
DAVID MOTON

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID MOTON,

Plaintiff,

v.

HANJIN SHIPPING; J.P. SAMARTZIS
MARITIME ENTERPRISES CO. S.A.,

Defendants.

Case No. 07-01483-SI

**EX PARTE APPLICATION
CONTINUING CASE
MANAGEMENT CONFERENCE
AND [proposed] ORDER
THEREON**

COMES NOW plaintiff DAVID MOTON and hereby moves *ex parte* to request a sixty-day continuance of the case conference.

APPLICATION

Counsel for plaintiff dismissed former defendant Hanjin Shipping from the case based on facts that demonstrate that Hanjin Shipping has no liability in this case. In the meantime, counsel for plaintiff named the owner of the vessel, J.P. SAMARTZIS MARITIME ENTERPRISES CO. S.A., an entity that resides in Greece. Counsel for plaintiff translated the complaint into Greek pursuant to the Hague Convention, and then sent it to the Greek Central Authority for service on Defendant J.P. SAMARTZIS MARITIME ENTERPRISES CO. S.A. on November 9, 2007. Attached hereto as an exhibit

1 is a true and correct copy of the documents we sent to the Greek Central Authority.
 2 Counsel for plaintiff are awaiting a certificate of service, as outlined in the Convention.

3 No time frame for service is specified in the Convention. However, Article 15 of
 4 the Convention provides that alternative methods of service may be used if a Central
 5 Authority does not respond within six months of a request for service. As the Court is
 6 aware, FRCP 4(m) exempts service in a foreign country from the normal requirement that a
 7 summons and complaint be served within 120 days after filing.

8 Accordingly, we are hereby applying for a continuance of the case management
 9 conference for sixty days. In the event that we do not receive a certificate of service within
 10 that time, and in the event the case is still not at issue, we will file another *ex parte*
 11 application.

12 BIRNBERG & ASSOCIATES

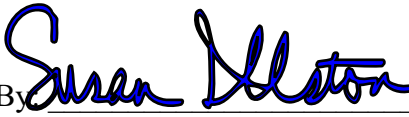
13 Dated: December 7, 2007

14 By: /s/ Cory A. Birnberg
 15 Cory A. Birnberg
 16 Attorneys for Plaintiff

17 **ORDER**

18 Based on the representations made by counsel, the Court hereby orders the case
 19 management conference set for December 7, 2007, be continued to February 15, 2008 at
 20 2:00 p.m.

21 Dated: December 7, 2007

22 By: 
 23 Hon. Susan Illston
 24 United States District Judge